

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 9879 of 2006

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23.05.2006

Between:

Manitha Esther Micah.

...Petitioner

And

The District Collector, Hyderabad & others.

....Respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 9879 of 2006

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ORDER :

The petitioner was issued a notice under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') on 20th of January 2004 in respect of an extent of 450 square yards in old Survey No.127 of Yousufguda village. Thereafter, an order under Section 6 of the Act was passed on 16.3.2004. Aggrieved thereby, the

petitioner preferred an appeal before the Revenue Divisional Officer, the 3rd respondent herein. Complaining that no orders of stay were granted by the 3rd respondent, the petitioner approached this Court by filing Writ Petition No.5567 of 2004. The writ petition was disposed of on 24.3.2004, directing 3rd respondent to dispose of the appeal within a period of six months. It was directed that till the disposal of the appeal, status quo as regards possession shall be maintained.

The grievance of the petitioner is that the 1st respondent, who was not a party to the earlier proceedings, is now taking steps to dispossess her and she seeks appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Though this Court directed the 3rd respondent herein to dispose of the appeal within six months through orders dated 24.3.2004, no orders are said to have been passed so far. That, however, is a different aspect.

Petitioner states that with a view to avoid complications in the matter, she applied for regularization of her possession and on the strength of an order rejecting such a request, the 1st respondent is now taking steps to dispossess her.

Even assuming that the request of the petitioner has not been accepted, once the appeal preferred by her under the Act is pending, the respondents cannot be permitted to dispossess the petitioner. Hence, the writ petition is disposed of directing that respondents shall not interfere with the possession of petitioner over the plot of

450 square yards referred to above, till the appeal preferred by her before the 3rd respondent is disposed of. No order as to costs.

(L.NARASIMHA REDDY, J)

23rd May 2006

ajr/cvrk